

## OFFICIAL GENERAL BALLOT CARD

029-1501

## COUNTY OF MAUI

AMENDMENTS TO THE MAUI COUNTY CHARTER  
PROPOSED BY THE MAUI CHARTER COMMISSION AND THE MAUI COUNTY COUNCIL

The full text of the charter amendments covered by this ballot is available for inspection at your polling place.  
Ask an Election Official for it, if you wish to see it.

1. Should the Article 1 of the Charter be amended to confirm the equal worth and dignity of every individual?

☐ YES

☐ NO

2. Should the terms of Councilmembers be lengthened from two (2) to four (4) years, with term limits of three (3) consecutive terms or twelve (12) consecutive years (whichever shall be longer), beginning in 2004, with terms to be staggered?

☐ YES

☐ NO

3. Should the responsibilities of the Corporation Counsel be clarified to state explicitly that the Corporation Counsel is the legal advisor and representative of the County of Maui, the Council, the Mayor, all county departments, and all boards and commissions, and to state that the Corporation Counsel shall perform additional duties "as may be incident to the department or required by law" instead of the current "as shall be assigned by the mayor"?

☐ YES

☐ NO

4. Should the name of the Department of Public Works and Waste Management be changed to be the "Department of Public Works and Environmental Management" and should its responsibilities be broadened to include supervision of environmental management and pollution, including solid waste collection, recycling, litter control, and protection of the unique beauty of Maui County?

☐ YES

☐ NO

5. (A) Should the name of the Department of Fire Control be changed to be the "Department of Fire and Public Safety," (B) should the name of the Public Safety Commission be changed to be the "Fire and Public Safety Commission," (C) should this Commission be given the responsibility to hire and fire the fire chief and the power to review the Department's budget, and (D) should the duties of the Fire Chief be clarified to include responsibilities over rescue and first-responder emergency services, public education, training, and monitoring the standards for construction and occupancy of buildings?

☐ YES

☐ NO

6. Should the planning process be clarified whereby (A) the duties of the Department of Planning would include longrange planning and management of cultural resources, (B) the Department would be required to enforce zoning ordinances, (C) the Planning Commission would be required to review and take action on revisions to the General Plan and on amendments to land-use ordinances within 180 and 120 days respectively after the final public hearing, (D) the purpose and nature of the General Plan would be clarified by incorporating language from Section 226-58 of the Hawai'i Revised Statutes, (E) the Planning Director would be required to issue an annual report on the implementation and enforcement of the General Plan and the community plans, and (F) the County Council would be required to take action on revisions to the General Plan proposed by the Planning Director within one year and on proposed revisions to zoning and land-use ordinances within 180 days?

☐ YES

☐ NO

7. Should the role of the Citizen Advisory Committees be to review and recommend revisions to the community plans and to stay in existence until their recommended revisions are approved, modified, or rejected by the Council and the Mayor, and should the community plans once approved become part of the General Plan?

☐ YES

☐ NO

- 7A. Should the role of the Citizen Advisory Committees be to review and recommend revisions to the community plans, to monitor the implementation and enforcement of the general and community plans, and to review comprehensive revisions to the general and community plans at least every ten years, and shall these Citizen Advisory Committees be permanent for each community plan district?

☐ YES

☐ NO

8. Should the Civil Service Commission have the power to remove the Director of Personnel Services, but only after the Director has been given notice of charges and has been granted a hearing?

☐ YES

☐ NO

## OFFICIAL GENERAL BALLOT CARD

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<p>9. Should the Department and Board of Water Supply be restructured to have more control to operate, whereby (A) the Department would have the authority to coordinate private water systems (while respecting existing property rights), and (B) the Department would have the responsibility to prepare water use and development plans for each community plan district and a long-range capital improvement plan (both of which would be updated every five years); whereby (C) the Board of Water Supply would be restructured so that the Directors of the Departments of Planning and Public Works become voting members of the Board and the other seven members would be appointed by the Mayor with approval by the Council for three-year terms (subject to being reappointed once), (D) the Board would be given the power to establish rules and set rates without further review, (E) the Board would be required to evaluate the Director annually, and (F) the Board could hire (using the Department's revenues) independent legal counsel by a two-thirds vote when necessary; and whereby (G) an independent audit would be conducted annually, after which the Council could make recommendations for changes?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>	<p>10. Should a new Department of Transportation be created to be directed by a Director of Transportation, who would have responsibility for planning and coordinating the development of new highways and public transportation as well as transportation in the air and on water?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p> <p>11. Should the terms of the members of the Salary Commission be staggered so that two of the nine members would be appointed (or reappointed) each year (except that only one would be appointed or reappointed every fifth year)?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p> <p>12. Should a minimum of one percent (1%) of the real property tax revenues be put each fiscal year into the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to be used for purchasing lands or other property entitlements to preserve open space, and should the unspent revenues in this Fund remain in the Fund, and not lapse, thereby accumulating from year to year?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>	<p>14. Should the provisions of the Maui County Charter be modified by nonsubstantive "housekeeping" changes including (A) removing obsolete provisions, (B) using gender-neutral language throughout the Charter, (C) using Hawaiian language spellings for Hawaiian place names, (D) describing the Council residency areas in geographical terms (instead of by reference to voting precincts), (E) eliminating references to political parties to fill Council vacancies, (F) changing "crime of moral turpitude" to "felony" with reference to the disqualification of the Mayor, (G) clarifying restrictions on County employees appearing before boards and commissions, and (H) renumbering sections as appropriate in light of other amendments?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p> <p>15. Should the Charter provision requiring the Council to route public-record requests through the Mayor be deleted in conformity with the Uniform Information Practices Act?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>
<p>9A. Should the Department and Board of Water Supply be restructured in a manner whereby (A) the Department would become a regular County agency subject to the Mayor's executive management and the Council's legislative oversight and (B) the Board would be recast as an advisory body (with the power to recommend budget proposals and rate adjustments), whereby (C) the Mayor would be assigned the power to appoint the Director (with the approval of the Council) and (D) the Mayor and Council would continue to have final approval of rates and regulations; whereby (E) the Department would have the responsibility to survey public and private water sources and (F) prepare and annually update a long-range capital improvement plan (subject to Council approval) and implement such approved plans, and whereby (G) the Council would have the power to issue general obligation bonds and provide appropriations for capital improvements of the water system?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>	<p>13. Should boards and commissions be allowed to meet in accessible privately owned locations when publicly owned buildings are not available or appropriate for their meeting?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>	<p>16. Should the Council have the power to nominate and approve the appointment of an individual to fill a vacancy on a board or commission if the Mayor fails to submit the name of a nominee within the time period provided for by the Charter?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p> <p>17. Should the process for proposing an ordinance by initiative be changed by: (A) increasing the time allowed to gather necessary signatures from 30 days to 180 days; (B) reducing the number of necessary signatures from 20% of registered voters to 20% of the total number of voters who cast ballots in the prior mayoral general election; and (C) submitting a proposed ordinance to the voters at a general election (instead of at a special election)?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>

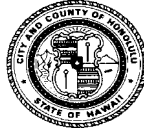
# 2000 OFFICIAL GENERAL ELECTION BALLOT CARD

Attachment B

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<p><b>PROPOSED AMENDMENTS TO THE CHARTER OF THE COUNTY OF HAWAII</b></p> <p>The full text of the charter amendments covered by this ballot is available for inspection at your polling place. Ask an Election Official for it, if you wish to see it.</p>	<p><b>6</b> Should the duties and positions of the safety coordinator's office be transferred to the department of civil service, and the safety coordinator's office then be abolished?</p> <p><input type="radio"/> YES <input checked="" type="radio"/> NO</p>	<p><b>11</b> Should there be a cost of government commission to promote improvements to the economy and efficiency of government?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>1</b> Should all county officers -- mayor, county council, and prosecuting attorney -- be elected in nonpartisan elections, with no party identification appearing on the ballot?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>	<p><b>7</b> Should the title of the chief engineer be changed to "director of public works," and should there be stronger qualifications for the following officers:</p> <ul style="list-style-type: none"> <li>- director of research and development</li> <li>- director of parks and recreation</li> <li>- planning director</li> <li>- director of public works</li> <li>- managing director</li> <li>- manager of department of water supply</li> </ul> <p><input type="radio"/> YES <input checked="" type="radio"/> NO</p>	<p><b>12</b> Should the Hawaii Redevelopment Agency be abolished, and its functions transferred to the planning department?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>2</b> Should the managing director be given additional responsibilities over all county departments and agencies, and be confirmed by the county council?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>	<p><b>8</b> Should the police department have a statement of policy, and the police commission be required to review the operations of the department and to perform an annual evaluation of the chief of police?</p> <p><input type="radio"/> YES <input checked="" type="radio"/> NO</p>	<p><b>13</b> Should the county council be required to meet at least once every three months in North or South Kona?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>3</b> Should there be a fire commission to appoint the fire chief and advise the fire department?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>	<p><b>9</b> Should the water commission be renamed the water board, and one board member be a resident of each county council district?</p> <p><input type="radio"/> YES <input checked="" type="radio"/> NO</p>	<p><b>14</b> Should the liquor commission be increased from seven to nine members, and should one member be a resident of each county council district?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>4</b> Should the solid waste, wastewater, and recycling programs of the county be transferred from the department of public works to a new department of environmental management, with a new environmental management commission?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>	<p><b>10</b> Should the salary commission set the compensation for all appointed directors and deputy directors of departments and executive agencies?</p> <p><input type="radio"/> YES <input checked="" type="radio"/> NO</p>	<p><b>15</b> Should a statement of purpose be added to the code of ethics?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>5</b> Should members of boards and commissions whose terms expire continue in office for ninety days if successors have not been appointed and confirmed?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>		<p><b>16</b> Should a member of a board or commission with a district residency requirement be eligible to serve out the full term, and represent the district to which the member was appointed, if redistricting changes the boundaries so that the member no longer resides within the district?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>

LOOK AT BOTH SIDES OF THE BALLOT CARD AND ALL CONTENTS BEFORE VOTING

**CHARTER COMMISSION  
CITY AND COUNTY OF HONOLULU  
711 Kapiolani Blvd. Suite 1485  
Honolulu, Hawaii 96813**



**COMMITTEE ON STYLE  
REPORT FROM MAY 22, 2006 MEETING**

**PROPOSAL 1 TEXT**

**Section 3-122. Salary Commission --**

2. The commission shall convene annually no later than the first day of February, and shall, after public hearing, establish salaries and salary schedules no later than the first day of May subsequent thereto, said salaries and salary schedules to be effective prospectively from the first day of the fiscal year subsequent to their adoption by the commission. The commission may meet at other times during the year pursuant to its own rules, but may alter salaries and salary schedules no more than once annually. Any action of the commission altering salaries shall be by resolution accompanied by findings of fact. Said resolution shall be forwarded to the mayor and the council, [but shall take effect without their concurrence sixty calendar days after its adoption unless rejected by a three-quarters vote of the council's entire membership. The council may reject either the entire resolution or any portion of it.]

***PROPOSAL 1 NOTES:***

***No changes.***

## PROPOSAL 5 TEXT

### Section 13-116. City Elections --

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year[.]; a special election held in conjunction with the primary election shall be designated the first special election and a special election held in conjunction with the general election shall be designated the second special election. In the case of the council, such special elections shall be held in 2002 and every second year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

2. [First special election: In the case of the offices of mayor, prosecuting attorney or councilmember, any candidate receiving a majority of the votes cast for that office shall be deemed elected. However, if there is no more than one candidate for each of the offices of mayor, prosecuting attorney or councilmember, such persons shall be deemed elected regardless of the number of votes received.]

3. Second special election: Unless a candidate for mayor, prosecuting attorney, or councilmember is elected in the first special election, the names of the two candidates receiving the highest number of votes for these offices in the first special election shall be placed on the ballot for the second special election. At the second special election the candidates receiving the highest number of votes for mayor, prosecuting attorney and councilmember, respectively, shall be deemed elected.]

#### Special elections:

- (a) If there is no more than one candidate for any city elective office, then the name of that candidate shall be placed on the ballot for the first special election. The candidate shall be deemed elected at the first special election regardless of the number of votes received.
- (b) If there are only two candidates for any city elective office, the names of the two candidates shall be placed on the ballot for the second special election. At the second special election, the candidate receiving the highest number of votes cast for that office shall be deemed elected.
- (c) If there are three or more candidates for any city elective office, the names of the candidates shall be placed on the ballot for the first special election. If any candidate receives a majority of votes cast in the first special election for that office, that candidate shall be deemed elected. However, if no candidate receives a majority of votes cast in the first special election for that office, then the names of the two candidates receiving the highest number of votes cast for that office shall be placed on the ballot for the second special election. At the second special election, the candidate receiving the highest number of votes cast for that office shall be deemed elected.

***PROPOSAL 5 NOTES:***

- Added the word “cast” in three places in paragraphs (b) and (c) for consistency***
- Replaced “he or she” with “that candidate” in paragraph (c)***

## **PROPOSAL 27 TEXT**

*SECTION 1. Section 6-207, Revised Charter of the City and County of Honolulu 1973, as amended, is further amended to read as follows:*

### **Section 6-207. Liquor Commission --**

The organization and the duties and functions of the liquor commission of the City and County of Honolulu shall be as provided by law, except that the commission shall be attached to the department of budget and fiscal services[.]; and the liquor control administrator and deputy liquor control administrator shall be exempt from civil service in accordance with Section 6-1103 and shall be appointed and may be removed in accordance with this section.

The liquor commission shall appoint and may remove a liquor control administrator, who shall serve as the administrative head of the commission staff and be subject to the policies and directions of the commission. The commission shall set the salary of the administrator.

The liquor control administrator may appoint and remove a deputy liquor control administrator, who shall serve as the first deputy to the administrator. The commission shall set the salary of the deputy.

The liquor control administrator may hire and remove other staff in accordance with applicable law. The salaries of the staff shall be set in accordance with applicable law.

*SECTION 2. Section 6-1103, Revised Charter of the City and County of Honolulu 1973, as amended, is further amended to read as follows:*

### **Section 6-1103. Civil Service and Executive Branch Exemptions --**

The provisions of this chapter of the charter shall apply to all positions in the service of the executive branch. This section shall apply to semi-autonomous agencies as though they are departments of the executive branch. The following positions shall be exempt from the provisions of this chapter of the charter:

(a) Positions of officers elected by public vote; positions of heads of departments; the position of the band director of the Royal Hawaiian Band; the position of the manager and chief engineer of the board of water supply and the manager of any semi-autonomous agency created by ordinance; and the position of the liquor control administrator of the liquor commission.

(b) Positions in the office of the mayor, but such positions shall be included in the position classification plan. Employees of the civil defense agency and Royal Hawaiian Band, other than the band director, shall not be exempted from civil service.



(c) Positions of deputies of the corporation counsel, deputies and administrative or executive assistants of the prosecuting attorney and law clerks.

(d) Positions of members of any board, commission or equivalent body.

(e) Positions of a temporary nature filled by students.

(f) Personal services obtained by contract where the director has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year.

(g) Personal services of a temporary nature needed in the public interest where the need for the same does not exceed one year, but before any person may be employed to render such temporary service, the director of human resources shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable.

(h) Personal services performed on a fee, contract or piecework basis by persons who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the city and when such fact is certified to by the director of human resources.

(i) Positions of one first deputy; and for the Honolulu Police Department one additional deputy; private secretaries to heads of departments and their deputies; and the position of managing director, one first deputy and private secretaries to each; [but] and the position of deputy liquor control administrator; provided that private secretarial positions shall be included in the position classification plan. The first deputy in the department of human resources, however, shall not be exempt from civil service.

(j) Positions or personal services in demonstration programs and joint participation and special projects which serve the community; provided that such exemptions are required by federal law or rules and regulations and then in accordance with procedures established by ordinance.

The director of human resources shall determine the applicability of this section of the charter to specific employment or services in the executive branch.

*SECTION 3. Article XVI, Revised Charter of the City and County of Honolulu 1973, as amended, is further amended by adding a new section to be appropriately designated and to read as follows:*

Section 16- . Transition Provisions for Liquor Control Administrator and Deputy Administrator—

1. From July 1, 2007, the positions of the liquor control administrator and deputy liquor control administrator shall be exempt from civil service.

2. The incumbents filling the positions of liquor control administrator and deputy liquor control administrator on June 30, 2007 shall be terminated from the positions at the end of that day. Their right to another civil service position shall be subject to applicable civil service rules.

The incumbents shall suffer no loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of their termination under this subsection. If they continue in other civil service positions following termination, nothing in this subsection shall be construed as preventing future changes in their status pursuant to the civil service provisions of this charter.

Nothing in this subsection shall be construed as disqualifying the terminated incumbents from serving as the liquor control administrator or deputy liquor control administrator after June 30, 2007. They may be appointed to those positions in accordance with Section 6-207.

3. The liquor commission may appoint a person to the position of liquor control administrator before July 1, 2007, but any appointment shall take effect on that date.

*SECTION 4. Sections 1 and 2 shall take effect on July 1, 2007 and Section 3 and this section shall take effect upon ratification by the electorate.*

**PROPOSAL 27 NOTES:**

- Added a semicolon to Section 6-1103 paragraph (a)
- Deleted numerical designations in Section 6-207
- Corporation Counsel is researching the transition provisions

## PROPOSAL 28 TEXT

*Section 11-106, Revised Charter of Honolulu, would be amended as follows:*

### **Section 11-106. Penalties and Disciplinary Action for Violations --**

The failure to comply with or any violation of the standards of conduct established by this article of the charter or by ordinance shall be grounds for impeachment of elected officers and for the removal from office or from employment of all other officers and employees. The appointing authority may, upon the recommendation of the ethics commission, reprimand, put on probation, demote, suspend or discharge an employee found to have violated the standards of conduct established by this article of the charter or by ordinance. The ethics commission may also impose civil fines established by ordinance for violations of the standards of conduct committed by elected officials of the city.

*Section 11-107, Revised Charter of Honolulu (RCH), would similarly be amended in the last paragraph:*

### **Section 11-107. Ethics Commission –**

\* \* \*

The commission may impose civil fines, established by ordinance, against elected officials of the city found to have violated the standards of conduct established by this article of the charter or by ordinance. The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.

### **PROPOSAL 28 NOTES:**

- Per amendments at 5/10/06 Commission meeting, replaced “officers and employees” with “elected officials”
- In Section 11-107, replaced “for conduct found by the commission to be in violation of the standards of conduct of this article and additional standards of conduct established by ordinance” with “found to have violated the standards of conduct established by this article of the charter or by ordinance”
- Corporation Counsel is considering the definition of “elected officials”

## **PROPOSAL 33 TEXT**

### **Section 6-603. Powers, Duties and Functions –**

The director of emergency services shall:

(a) Develop programs and [deliver services related to emergency medical services] provide emergency medical care and serve as the primary pre-hospital medical resource.

(b) Provide training and educational programs related to emergency medical services and injury prevention.

(c) Be responsible for [ocean safety training and operations in city parks] responding to emergencies arising on the beach and in the near shore waters.

(d) Be responsible for ocean safety training and operations and function as the primary resource for ocean safety.

(e) Provide educational and risk reduction programs related to ocean safety.

[(d)](f) Perform such other duties as may be required by law.

### ***PROPOSAL 33 NOTES:***

***- To accurately reflect charter text, removed unnecessary underlining of periods and added missing word “other” in line (f).***

***- Corporation Counsel is considering possible changes***

**PROPOSAL 34 TEXT**

**Section 9-106. Administration and Enforcement of the Budget Ordinances --**

3. Administration and enforcement of the executive capital budget ordinance:

(a) Appropriations authorized in the executive capital budget ordinance or any supplementary appropriation shall be considered valid only for the fiscal year for which made and for twelve [six] months thereafter, and any part of such appropriations which is not expended or encumbered shall lapse twelve [six] months after the end of the fiscal year. Agencies authorized to make expenditures under the executive capital budget ordinance may proceed without other authority from the council to incur obligations or make expenditures for proper purposes to the extent that the moneys are available.

***PROPOSAL 34 NOTES:***

***No changes.***

## **PROPOSAL 35 TEXT**

### **Section 6-1202. Powers, Duties and Functions --**

The director of information technology shall:

(a) Operate and maintain [a data processing system] information technology and telecommunications systems for the city government, excluding those systems maintained by the board of water supply and any other semi-autonomous agencies created by ordinance.

(b) Provide technical expertise and support in [data processing] information technology and telecommunication technology to the city government.

(c) Assist the managing director in [management] information technology and telecommunication technology [analysis] analyses and evaluation.

(d) Advise the mayor on [data processing] information technology and telecommunication technology matters.

(e) Perform such other duties as may be required by law.

### **PROPOSAL 35 NOTES:**

- Deleted “executive and legislative branches of” in line (a)

- Added the word “technology” in lines (b), (c), and (d)

- To accurately reflect charter text, corrected underlining errors and deleted extra “to” in line (b)

## **PROPOSAL 36 TEXT**

### **Section 6-1004. Powers, Duties and Functions –**

The fire chief shall:

(a) Perform fire fighting and rescue work in order to save lives, [and] property and the environment from fires and respond to [from] emergencies arising on the sea [and], hazardous terrain and emergency medical and hazardous materials incidents.

(b) Train, equip, maintain and supervise a force of fire fighting and rescue personnel.

(c) Monitor the construction and occupancy standards of buildings for the purposes of fire prevention.

(d) Provide educational programs related to fire prevention.

(e) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief.

(f) Perform such other duties as may be required by law.

### ***PROPOSAL 36 NOTES:***

- To accurately reflect charter text, corrected an underlining error***
- Corporation Counsel is considering possible changes***

**PROPOSAL 51 TEXT**

**Section 4-104. Appointment, Confirmation and Removal of Officers and Employees --**

1. All department heads and the managing director, as provided in Sections 5-201, 6-101, 6-103, 6-105, 6-201, 6-301, 6-401, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, and 6-1701, shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.

***PROPOSAL 51 NOTES:***  
***No changes.***



## **PROPOSAL 55 TEXT**

### **Proposal 55 Alternative A: Eliminate term limits and staggering of council terms.**

Section 3-102. Number, Election and Terms of Office of Councilmembers—

The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section 16-\_\_ [16-122], the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. [The terms shall be staggered in accordance with Section 16-122. No person shall be elected to the office of councilmember for more than two consecutive four-year terms.]

Section 13-166. City Elections—

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year. In the case of the council, such special elections shall be held in 2002 and every second year thereafter, and after the 2010 special election, every fourth year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

Repeal Section 16-122 and insert new language:

Section 16-\_\_. Transitional Provisions for the Elimination of Councilmembers' Term Limits and Staggered Terms.

1. The staggering of councilmembers' terms shall end upon certification of the 2008 election results.
2. Persons elected in 2006 to serve as councilmember for council districts II, IV, VI and VIII shall be eligible to be elected in the 2010 election.
3. In the 2008 election, seats for council districts I, III, V, VII and IX shall be subject to election to two-year terms.
4. In the 2010 election, seats for all 9 council districts shall be subject to election for 4-year regular terms.

**Proposal 55 Alternative B: Limit council term limits to three consecutive four-year terms and eliminate staggering of council terms.**

Section 3-102. Number, Election and Terms of Office of Councilmembers—

The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section 16-\_\_ [16-122], the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. [The terms shall be staggered in accordance with Section 16-122.] No person shall be elected to the office of councilmember for more than three [two] consecutive four-year terms.

Section 13-166. City Elections—

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year. In the case of the council, such special elections shall be held in 2002 and every second year thereafter, and after the 2010 special election, every fourth year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

Repeal Section 16-122 and insert as new language:

Section 16-\_\_. Transitional Provisions for the Elimination of Councilmembers' Staggered Terms and the Extension of Term Limits From Two to Three Consecutive Terms.

1. The staggering of councilmembers' terms shall end upon certification of the 2008 election results.
2. Persons elected in 2006 to serve as councilmembers for council districts II, IV, VI and VIII shall be eligible to be elected in the 2010 election.
3. In the 2008 election, seats for council districts I, III, V, VII and IX shall be subject to election for two-year terms.
4. No council term prior to the term commencing on January 2, 2011 shall be counted toward the three-term limit for councilmembers established in Section 3-102 of this charter.

***PROPOSAL 55 NOTES:***

***- Adopted text drafted by Corporation Counsel with amendments to transition sections proposed by Commissioner Lendio***

**PROPOSAL 71 TEXT**

**Section 6-803. Powers, Duties and Functions –**

The director of the department of environmental services shall:

- (a) Advise the director of design and construction concerning the planning and design of wastewater facilities.
- (b) Oversee the operation and maintenance of sewer lines, treatment plants and pumping stations.
- (c) Monitor the collection, treatment and disposal of wastewater.
- (d) Provide chemical treatment and pumping of defective cesspools.
- (e) Develop and administer solid waste collection, processing and disposal systems including a comprehensive curbside recycling system.
- (f) Promulgate rules and regulations as necessary to administer and enforce requirements established by law.
- (g) Perform such other duties as may be required by law.

***PROPOSAL 71 NOTES:***

***No changes.***

## **PROPOSAL 75 TEXT**

### **Section 11-107. Ethics Commission –**

There shall be within the department of the corporation counsel for administrative purposes only an ethics commission which shall consist of seven members. The commission shall be governed by the provisions of Section 13-103 of this charter. In accordance with the prohibition in Hawaii Constitution Article XIV, the members of the ethics commission shall be prohibited from taking an active part in political management or in political campaigns.

The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultants may include attorneys who may advise the commission independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of Chapter 11 of Article VI of this charter, but such staff positions, except the position of executive director, shall be included in the position classification plan. The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salary of the executive director shall be fixed by ordinance.

The commission is authorized to hold hearings and to conduct investigations concerning the application of this article of the charter and shall have the powers provided in Section 13-114 of this charter.

The commission may, on its own initiative, render advisory opinions with respect to this article of the charter. Advisory opinion shall be rendered pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the persons involved.

The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.

### ***PROPOSAL 75 NOTES:***

***No changes.***

**PROPOSAL 76 TEXT**

***Delete entire section and footnote:***

**[Section 6-1608. Political Activities Prohibited --**

Except for exercising the right to vote, no member of the police department shall support, advocate or aid in the election or defeat of any candidate for public office. Any violation of this section of the charter by a member of the department shall be cause for summary dismissal from the department.<sup>31</sup>

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<sup>31</sup>Prohibition ruled unconstitutional by the First Circuit Court in Civil No. 96-3234-08, SHOPO v. City and County of Honolulu, et al.; decision not appealed by City.]

***PROPOSAL 76 NOTES:***

***No changes.***

## **PROPOSAL 78 TEXT**

### **Section 4-104. Appointment, Confirmation and Removal of Officers and Employees --**

1. All department heads and the managing director, as provided in Sections 5-201, 6-101, [6-103,] 6-105, 6-201, 6-301, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, and 6-1701, shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.

2. When the position of head of an executive agency becomes vacant and the mayor is the appointing authority, the mayor may temporarily fill the vacancy by granting a commission allowing the nominee to fulfill the responsibilities of the position. The commission shall begin when the mayor submits to the council a request for confirmation. The commission shall expire when the council makes the confirmation decision. If the nominee fails to be confirmed by the council, the nominee shall not be eligible for another interim appointment to the same office.

3. Department heads may appoint the necessary staff for which appropriations have been made by the council.

4. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the person's office or position.

**PROPOSAL 78 NOTES:**  
***No changes.***

## PROPOSAL 91 TEXT

*Create new section:*

### **Section 9-204. Clean Water, Natural Lands and Affordable Housing Fund –**

1. In adopting each fiscal year's budget and capital program, the council shall appropriate a minimum of one percent (1%) of the certified real property tax revenues to a fund known as the Clean Water, Natural Lands and Affordable Housing Fund.

2. Half of the moneys in this fund, or ½ % of certified real property tax revenues, shall be utilized for purchasing or otherwise acquiring lands or property entitlements for land conservation in the city for the following purposes: protecting watershed lands to preserve water quality and water supply; preserving forests, beaches, coastal areas and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conserving land in order to reduce erosion, floods, landslides, and runoff; and, acquiring disabled and public access to public land, and open space.

3. The other half of moneys in this fund, or ½% of certified real property tax revenues, shall be utilized to provide and maintain affordable housing for persons earning less than 50% of the median household income in the city for the following purposes: provision and expansion of affordable housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and maintenance of affordable housing for sale or for rental, provided that the housing remains affordable in perpetuity.

4. The moneys in this fund may also be used for the payment of interest, principal, and premium, if any, due with respect to bonds issued subsequent to enactment and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in paragraphs 2 and 3 of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds. The payment, of interest, principal and premium, if any, includes bonds issued subsequent to enactment of this section.

5. At any given time, no more than five percent (5%) of this fund shall be used for administrative expenses.

6. Any balance remaining in this fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in this fund shall not be used for any purpose except those listed in this section.

7. The council shall by ordinance establish procedures for the administration and expenditure of moneys in this fund. The appropriations to this fund shall not substitute, but shall be in addition to, those appropriations historically made for the purposes stated in this section.

***PROPOSAL 91 NOTES:***

- Deleted “As directed by the citizens of Honolulu,” in paragraph 1***
- Deleted “and county of Honolulu” in paragraphs 2 and 3***
- Deleted “Revised Charter,” in paragraph 4***
- Changed to lower-case “council” in paragraph 7***
- Corporation Counsel is considering possible changes***



## **PROPOSAL S-6 TEXT**

### **Section 3-402. Procedure for Enactment and Adoption --**

2. Form of Petition. Each voter signing such petition shall add to the signature, the voter's printed name, resident, [social security number] and the date of signing.

### **Section 12-103. Recall Petition; Recall Election --**

The recall petition shall require each signing voter's signature, address, [social security number,] council district, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the person's whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

### **Section 15-101. Initiation of Amendments or Revisions --**

Such petition shall include each signing voter's signature, residence, [social security number,] and date of signing. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

### ***PROPOSAL S-6 NOTES:***

***- To accurately reflect charter text, corrected numbering/titles of sections***

## **PROPOSAL S-9 TEXT**

***Amend section 6-1703:***

**Section 6-1703. Powers, Duties and Functions --**

The director of transportation services shall:

- (a) Plan, operate and maintain transportation, including transit and bikeway, systems to meet public transportation needs, in accordance with the general plan and development plans, and advise on the design and construction thereof.
- (b) Locate, select, install and maintain traffic control facilities and devices.
- (c) Provide educational programs to promote traffic safety.
- (d) Promulgate rules and regulations pursuant to standards established by law.

***Add new section to Article 6 Chapter 17:***

**Section 6-17 . Pedestrian and Bicycle Friendly City –**

It shall be a priority of the department of transportation services to make Honolulu a pedestrian- and bicycle-friendly city.

***PROPOSAL S-9 NOTES:***

***- Revised section number placeholder***

## **PROPOSAL S-10 TEXT**

***Create new section:***

**Section 13-1 . Public Notices via Electronic Medium.**

Whenever a public notice is required by this charter or by ordinance to be published in a daily newspaper, the public notice shall also be distributed via a widely accessible electronic medium (e.g. the city website) within the same timeframe as the newspaper publication.

***Amend Section 13-106:***

**Section 13-106. Public Hearings; Notice --**

1. No public hearing shall be held by any agency or the council, unless public notice is given prior to such hearing.
2. Notice of any public hearing shall be adequately publicized at least ten days prior to such hearing via a widely accessible electronic medium (eg. the city website) and in a daily newspaper of general circulation in the city and may be advertised, as deemed helpful, in such other newspapers and through communications media as will afford the public maximum information concerning such hearing. The notice shall include:
  - (a) The date, time and place of such hearing.
  - (b) A statement in plain language of the nature or purpose, including the issues involved, if any, of such hearing.
  - (c) A statement that all interested persons shall be afforded the opportunity of being heard.

***PROPOSAL S-10 NOTES:***

- Revised section number placeholder***
- Corporation Counsel is considering possible changes***

### **COMBINATION OF PROPOSALS**

The Style Committee approved the combination of the following proposals into one ballot question: 35, 51, 75, 76, 78, S-6, and S-10.

The Style Committee deferred the matter of possible combination of Proposals 33 and 36 into one ballot question. The Committee intends to wait for legal review of the proposals and response from the relevant departments.

**PROPOSAL NO. 55 AS AMENDED 4-18-06**

2005-06 HONOLULU CHARTER COMMISSION  
CHARTER AMENDMENT PROPOSAL FORM

1. Provide a brief description of the purpose of the proposed charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:

**AS AMENDED 4-18-06**

**Current situation:** Unless the charter is amended, problems relating to election of council members will continue to arise every 10 years, following each reapportionment of council districts. For the council election of 2012, and for the council elections held every ten years thereafter, new district boundaries will be drawn due to reapportionment. Some voters at the 2012 council election will be able to vote for a district councilmember in two successive council elections (2010 and 2012), while other voters will be ineligible to vote for a district councilmember in either of those two elections. Additionally, some voters will, even without moving, be represented between 2012 and 2014 by a councilmember for whom they had no opportunity to vote.

2. If applicable, list the charter provision(s) proposed to be deleted or amended:

Section 3-102. Number, Election and Terms of Office of Councilmembers  
Section 16-122. Transitional Provisions on the Staggering of Councilmembers' Terms

3. If the proposal is based on a provision or provisions in the charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).
4. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.
5. Attach the text of the proposed charter amendment in Ramseyer format (see below).

Ramseyer Format:

If proposing an amendment to existing Charter provisions, indicate, by underscoring, any language being proposed to be added to the Charter and indicate, by bracketing, any language being proposed to be deleted from the Charter.

If proposing to replace existing Charter provisions in their entirety, clearly indicate the article(s), chapter(s) and/or section(s) of the Charter proposed to be deleted, and provide the text of any provisions proposed to replace the deleted material.

If proposing new Charter material only, provide the text of the new provision(s) and, if possible, indicate where in the Charter the new material should be inserted.

## **AS AMENDED 4-18-06**

*(Note: All voters may vote on both questions, regardless of their vote on Question X)*

**Question X:** Should the current system of staggered council terms and council term limits be replaced by either Alternative A or Alternative B below?

☐ Yes ☐ No

**Question Y:** If Charter Question X is approved by the voters at this election, which of the following two alternative proposals relating to terms of councilmembers do you favor? (Vote for Alternative A or Alternative B, but not for both proposals.)

- **ALTERNATIVE A.** Term limits for councilmembers and the staggering of councilmembers' terms shall be eliminated. In 2008, candidates running to represent the odd-numbered council districts shall be running to serve two-year terms. In 2010, and every four years thereafter, candidates for all council seats shall be running to serve four-year terms.
- **ALTERNATIVE B.** Councilmembers shall be limited to serving a maximum of three consecutive four-year terms, and the staggering of councilmember terms shall be eliminated. In 2008, candidates running to represent odd-numbered council districts shall be running to serve two-year terms. In 2010 and every four years thereafter, candidates for all council seats shall be running to serve four-year terms.

**\* AMENDMENT TO PROPOSAL ON 4-18-06: REPLACED PART 1  
(INTRODUCTORY COMMENTS) AND PART 5 (TEXT)**